

Human Rights and Democracy in Cambodia

TLHRC, US, 9/11/2019

Teang Pa, Executive Director

Cambodian Center for Independent Media (CCIM)

.....

Following the fierce oppression on media, NGOs, unions, and the shutdown of the only opposition party CNRP late 2017, Mr. Hun Sen's government, which is a former of Khmer cadre and has had long history of cruel acts of human rights abuses, seems not step back but is increasing its crackdown.

Media, NGOs, and unions, and other activists are working under close surveillance and serious threats by the government, which has done so by putting all the state mechanisms, particularly the three state powers (Legislation, Judiciary, & Executive) in one line for one goal to turn Cambodia into an absolute totalitarian state. For instance, the parliament can make or amend laws - including the Constitution for such purpose, the courts can adjust the cases or legal interpretation to meet the need of the executive, and the executive can make up allegations, even groundless ones, to arrest human rights and political activists. Last month, a young female environmental activist of Mother Nature Cambodia (MNC)- a leading local environmental NGO- was arrested on a crowded traffic street at rush hour and pushed into the police car by force. She was intimidated and interrogated concerning her personal Facebook posts for many hours at the local police precinct from morning until midnight before she was released. It should be noted that her personal Facebook was hacked a few days before the arrest as then she publicly denied all the contents posted in that Facebook Page, including the fake news "Hun Sen was dead!" In fact, the fake news posted on her personal Facebook was made up as an excuse for the arrest and the true cause of the arrest was her controversial activism to protect natural resources and fight against corruption and for freedoms.

By the end of August this year, according to Licadho (a local human rights NGO), 19 CNRP activists were arrested and about other 156 are under judicial/authority harassment. This figure doesn't include those who are arrested and under court summons this month, while their President **Kem Sokha** is under house arrest, and more than 100 leaders have been banned from politics.

From April 2018 to March 2019, CCHR recorded 825 incidents related to the exercise of fundamental freedom, and those incidents were the activities of the government authorities involved in restrictions that did not comply with international human rights laws and standards enshrined in Cambodian laws and Constitution. Such restrictions were made in the forms of excessive supervision and interference of the government which include, but are not limited to, incidents related to harassment by police during routine association activities. For instance, police surprisingly entered an NGO's private meeting room in Phnom Penh while that NGO was conducting monthly meeting, and checked the meeting agendas and photographed the room. Similarly, such incidents were experienced by other NGOs throughout the country as they were complicatedly checked and questioned or even stopped by local authorities while conducting routine activities - including the training of farmers on feeding chickens.

Similarly, my organization (CCIM) released a report on challenges for independent media early 2018 and found out that, in addition to physically or verbally attacked or threatened, ongoing government interference has led many journalists to believe that authorities look for excuses to persecute them, photograph them and deny them access to the National Assembly, among other venues.

Freedom of assembly and freedom of expression were deteriorated in the last period of this year. Among other troubles, it is noted NGOs' peaceful march for women rights in March were blocked, peaceful gathering for the third-year memorial to the assassinated political commentator **Dr. Kem Ley** in July were violently dispersed and two youths are still imprisoned, and the announced plan for peaceful protest for the release of **Kem Sokha** by a teach association last month was banned. Meanwhile, NGOs- which published controversial reports or made critical comments- were called for meeting in person with and questioned by the government. For examples, two local human rights NGOs- Licadho & STT- released a joint report on Cambodian personal loan crisis earlier August and, following such publication, the they were called by the government's spokesman unit for a close-door meeting and questions about the report. Similarly, the head of another NGO working on corruption issues- Transparency International Cambodia (TIC)- has also been called by this government unit for a meeting in person this week following his critical comments on traditional/social media. It is another kind of new tactic to silence critic voices.

Ironically, Cambodia made laws with vague provisions and with clear intention that can be subject to arbitrary interpretation by judicial authorities and restriction on freedom of expression. Following the adoption of the Law on Telecommunications in December 2015 which grants the state broad authority to monitor public and private communications, since January 1st, 2018, the government has enacted several pieces of legislation, regulations, and policies that have placed additional excessive restrictions on free speech and media freedom. For instance, amendments to Articles 42 and 49 of the Constitution, enacted in February 2018, require political parties and Khmer citizens to "primarily uphold the national interest" and refrain from "conducting any activities which either directly or indirectly affect the interests of the Kingdom of Cambodia and of Khmer citizens;" In February 2018, the Criminal Code was amended to include a "lèse-majesté" offense; In May 2018, the Ministry of Information, Ministry of Interior, and Ministry of Posts and Telecommunication (MPTC) adopted an Inter-ministerial Regulation on Website and Social Media Control; and more pending restricting laws such as, in March 2019, a representative from the Ministry of Interior confirmed relevant ministries were in the process of drafting the anti-cybercrime law; and, in April 2019, a ruling party spokesman announced that the government was looking into drafting a "fake news" law.

Since the adoption in 2015, LANGO (Law on Association and Non-Governmental Organization) has been used by the authorities to manipulate the works of NGOs by complicating association/NGO registration procedure, changes in their leadership or address, opening bank account, tax payment process, and the submission of reports to the government.

In addition to the power concentration by tactics, actions, and laws above, Hun Sen's regime has also strengthened powers by corruption in collusion with some investors who have hijacked the advantages of Cambodia's development partnership opportunities such as, but is not limited to, EU's EBA and US's GSP.

To help restore the respect for human rights and democracy in Cambodia, I do recommend the United States and other international community partners to consider tough actions against individuals and institutions, including private sectors, who are involved in actions or supports for human rights violations and democracy destruction in Cambodia.

Last, but not least, I do congratulate and thank to the **U.S. House of Representatives** for the passage of the **Bill HR 526**, and also my special thanks to Congressman **Alan Lowenthal** and Congressman **Steve Chabot**, co-chairs of the Congressional Cambodia Caucus, who sponsored the bill. I also wish to see the bill be considered and passed by the Senate soon.

Thank you so much for your time and this opportunity.